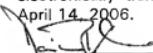


**CERTIFICATE OF ELECTRONIC
TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/552,195 is being electronically transmitted, via EFS-WEB, on April 14, 2006.



David H. Binkman, Reg. No. 40,532

Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Hildebrand et al.
Serial No.: 10/552,195 (National Phase of International Application
PCT/EP04/004054)
Filing Date: October 6, 2005
Art Unit: Unknown
Confirmation No.: Unknown
Examiner: Unknown
Title: **METHOD AND DEVICE FOR PRODUCING A CAVITY IN A
WORKPIECE**
Our Ref.: BEET-13

Cincinnati, Ohio 45202

April 14, 2006

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF ENGLISH TRANSLATION OF
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

Sir:

Attached is a copy of an uncertified English translation of the International Preliminary Report on Patentability.

Applicant does not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are necessary, the

Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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From the INTERNATIONAL BUREAU

29. März 2006

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)
OF THE PATENT COOPERATION TREATY
(PCT Rules 44bis.3(c) and 72.2)

To:

BEETZ & PARTNER
Steinsdorffstrasse 10
80538 München
ALLEMAGNE

Date of mailing (*day/month/year*)
23 March 2006 (23.03.2006)

Applicant's or agent's file reference
157-60.759PCT/AP/ZI

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/004054

International filing date (*day/month/year*)
16 April 2004 (16.04.2004)

Applicant

SAUER GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 70

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 157-60.759PCT/AP/z1	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/004054	International filing date (day/month/year) 16.04.2004	Priority date (day/month/year) 16.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SAUER GMBH			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of **16** sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - (*sent to the applicant and to the International Bureau*) a total of **5** sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
 - Box No. I Basis of the report
 - Box No. II Priority
 - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - Box No. IV Lack of unity of invention
 - Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citation and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Faxsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

	International application No. PCT/EP2004/004054
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:

pages 1-12 _____ as originally filed/furnished

pages^a _____ received by this Authority on _____

pages^a _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.^a 1-25 _____ as amended (together with any statement) under Article 19

nos.^a _____ received by this Authority on _____

nos.^a _____ received by this Authority on _____

the drawings:

sheets 1/4-4/4 _____ as originally filed/furnished

sheets^a _____ received by this Authority on _____

sheets^a _____ received by this Authority on _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

^a If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004054

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application
 claims Nos. 1a+4, 5-8+17 (where dependent on claim 4), 1a+5, 1a+7, 6 (where dependent on claim 5), 8+17 (where dependent on one of claims 5+7), 1a+17, 1a+25, 18b+25

because:

the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (indicate particular elements below) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (specify):

the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. 1a+4, 5-8+17; 1a+5, 1a+7, 6; 8+17; 1a+17, 1a+25, 18b+25 (parentheses as above)

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished
 does not comply with the standard

the computer readable form

has not been furnished
 does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Box No. IV Lack of unity of invention

L. In response to the invitation to restrict or pay additional fees the applicant has:

- restricted the claims
- paid additional fees
- paid additional fees under protest
- neither restricted the claims nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- complied with
- not complied with for the following reasons:

See Supplemental Box.

4. Consequently this report has been established in respect of the following parts of the international application:

- all parts
- the parts relating to claims Nos. 1a, 2434668 (dep on claim 1a), 1b, 2-17 (dep on cl 1b), 4-8617 (dep on cl 3), 18a, 18b, 19620 (dep on cl 18a), 21-24 (dep on cl 18b)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004054

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 3 (dependent on 1a), 4-8&17 (dependent on 3), 1b,
1c, 2-17 (dependent on 1c), 19-22&23 (dependent on 1b) YES
Claims 1a, 2 (dep 1a), 18a, 19&20 (dep 1a), 18b, 21-22&24 (dep 18b) NO

Inventive step (IS)

Claims 3 (where dependent on 1a), 4-8&17 (dependent on 3) YES
Claims 1a, 1b, 2, 4-17 (dep 1b), 18a, 18b, 19, 20, 21-24 (dep 18b) NO

Industrial applicability (IA)

Claims 1a, 1b, 2, 3, 4-6 (dependent on 3), 4-17 (dependent on 1b), 18a, 18b, 19, 20, 21-24 (dependent on 18b) YES
Claims NO

2. Citations and explanations (Rule 70.7)

0. Pursuant to the requirements of PCT Rule 66.1(e),
an examination is not carried out for claims for
which a search report was not established.

1. The present report refers to the following
documents:

D1: DE 39 23 356 C (MAHO AG) 7 February 1991 (1991-
02-07)

D2: EP 0 407 969 A (MAHO AG) 16 January 1991 (1991-
01-16)

D3: US 5 782 253 A (HOOGERWERF JOHN D ET AL) 21
July 1998 (1998-07-21)

D4: JP 4 237553 A

Invention I

2. INDEPENDENT CLAIMS 1a and 18a

1. The present application does not meet the
requirements of PCT Article 33(1) because the
subject matter of claims 1a and 18a is not
novel (PCT Article 33(2)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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Claim 1a: See above, Box IV, 5.

Claim 18a: D1 discloses (the references in parentheses relate to said document):

A device for producing a cavity, in particular for carrying out the method according to one or more of the previous claims, with a laser-processing device and a control device for the laser-processing device (see column 3, lines 12-20), wherein the control device is designed to control the laser-processing device.

3. DEPENDENT CLAIMS 2, 6, 8, 19, 20

1. The above claims do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty requirements.

4. DEPENDENT CLAIM 3

The combination of features contained in the dependent claim is neither known nor obvious from the available prior art.

The reasons for this are as follows:

D1, which is considered the closest prior art, discloses a method from which the subject matter of claim 3 differs in that the "side walls are processed after a plurality of layers has been removed". Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
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This measure, which enables smoothness to be achieved between the layers that are removed, is not obvious from the prior art cited in the international search report. The subject matter of claim 1 of the present application is therefore inventive (PCT Article 33(3)).

Claims 4-8 are dependent on claim 3 and therefore likewise meet the PCT novelty and inventive step requirements.

Invention 4

5. INDEPENDENT CLAIM 1b

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1b within the meaning of PCT Article 33(2) does not involve an inventive step (PCT Article 33(3)).

D1 discloses (the references in parentheses relate to said document):

Method for producing a cavity (see column 1, line 10) in a workpiece, in which a laser beam is used to remove material (see claim 1), wherein the side walls of the cavity are processed using a laser beam (see column 2, lines 9-15, column 4, lines 8-17).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

The subject matter of claim 1b differs therefore from the known method(s) in that

the side walls of the cavity are processed using a processing means.

The problem addressed by the present invention can therefore be considered that of

achieving deposit-free side walls.

With respect to the feature "processed using processing means (in this case, air is used as a processing means)", D4 describes the same advantages as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the method described in D1 to be a standard measure for solving the problem of interest.

6. INDEPENDENT CLAIM 18b

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 18 is not novel (PCT Article 33(2)).

D3 discloses (the references in parentheses relate to said document):

A device for producing a cavity, in particular for carrying out the method according to one or more

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
<p>of the preceding claims, with a laser processing device (see column 2, lines 17-19 in conjunction with column 4, lines 35, 36) and a control device for the laser-processing device (see figure 7), wherein the control device is designed to control a supply device for processing the side wall of the cavity.</p> <p>7. DEPENDENT CLAIMS 2-17 (insofar as they are dependent on claim 1b), 19-24 (insofar as they are dependent on claim 18b)</p> <p>1. The above claims do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements.</p>	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Boxes III and IV

Box III:

The search report was restricted to inventions 1 and 4.

Box IV:

The different inventions/groups of inventions are:

INVENTION 1: 1a, 2 & 3 & 6 & 8 (insofar as dependent on claim 1a), 4-8 (insofar as dependent on claim 3), 17 (insofar as dependent on claim 3), 18a, 19 & 20 (insofar as dependent on claim 18a)

Method for processing the side walls of laser-produced cavities, wherein the side walls are processed using a laser beam after a plurality of layers have been removed.

INVENTION 2: 1a+4, 5-8 (insofar as dependent on claim 4), 17 (insofar as dependent on claim 4)

Processing of the side walls of laser-produced cavities, the side walls being processed with specially adapted laser radiation.

INVENTION 3: 1a+5, 1a+7, 6 (insofar as dependent on claim 5), 8 (insofar as dependent on one of claims 5 and 7), 17 (insofar as dependent on one of claims 5 and 7)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Supplemental Box

Processing of the side walls of laser-produced cavities,
the side walls being processed according to data
pertaining to the cavities.

INVENTION 4: 1b, 2-17 (insofar as dependent on claim
1b), 18b, 19-24 (insofar as dependent on
claim 18b)

Processing of the side walls of laser-produced cavities,
the side walls being processed with a processing means.

INVENTION 5: 1a+17, 18a+25, 18b+25

Processing of the side walls of laser-produced cavities,
the side walls of the cavity being processed using
ultrasound.

For the following reasons these inventions/groups are not
so linked as to form a single general inventive concept
(PCT Rule 13.1):

Reasons:

Owing to the use of the words "and/or", claims 1 and 18
can be read in different ways (cf. PCT Rule 13.3).

A first reading of claim 1 relates to:

Claim 1a: method for processing the side walls of laser-
produced cavities, wherein the side walls are processed
using a laser beam.

A second reading of claim 1 relates to:

Supplemental Box

Claim 1b: method for processing the side walls of laser-produced cavities, wherein the side walls are processed using a processing means (or using a laser beam and a processing means).

A first reading of claim 18 relates to:

Claim 18a: device...with a laser processing device and a control device for the laser-processing device, characterised in that the control device is designed to control the laser-processing device....

A second reading of claim 18 relates to:

Claim 18b: device...with a laser-processing device and a control device for the laser-processing device, characterised in that the control device is designed to control a supply device for a processing means...

Claim 17, 18 and 25 is deemed an independent claim.

The dependency of claim 9 on claim 1a or of claims 21, 22, 23 or 24 on claim 18a was not taken into consideration because the "processing means" or the "supply device" to which claims 9 and claims 21, 22, 23 and 24 relate was not defined.

DE-C-3923356 (D1) is the closest prior art.

D1 discloses a:

Method for producing a cavity (see column 1, line 10) in

Supplemental Box

a workpiece, in which a laser beam is used to remove material (see claim 1), wherein the side walls of the cavity are processed using a laser beam (see column 2, lines 9-15, column 4, lines 8-17).

D1 therefore discloses all the features of claim 1.
D1 also discloses the features of claims 2, 6, 8, 18a, 19 and 20.

Invention 1:

From a comparison of the published prior art with the features of claims 1a + 3, the following features (special technical features) (PCT Rule 13.2) can be deemed as making a contribution over the prior art:

"The side walls are processed after a plurality of layers have been removed without the side walls being processed."

The following objective problem can be derived therefrom:

"Obtaining a smoother side surface".

Invention 2:

From a comparison of the published prior art with the features of claims 1a + 4, the following special technical features (PCT Rule 13.2) can be deemed as making a contribution over the prior art:

"the side walls are processed with specially adapted

Supplemental Box

laser radiation."

The following objective problem can be derived therefrom:

"A more efficient removal of the deposits".

Invention 3:

From a comparison of the published prior art with the features of claims 1a + 5 or 1a + 7, the following special technical features (PCT Rule 13.2) can be deemed as making a contribution over the prior art:

"the side walls are processed according to data pertaining to the cavities".

The following objective problem can be derived therefrom:

"the synchronisation of the movement of the laser beam across the side walls with the focussing and/or laser performance".

Invention 4:

From a comparison of the published prior art with the features of claims 1b and 18b, the following special technical features (PCT Rule 13.2) can be deemed as making a contribution over the prior art:

"the side walls are processed with a processing means".

The following objective technical problem can be derived

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004054

Supplemental Box

therefrom:

"Processing the side walls with lower precision of the removing tool".

Invention 5:

From a comparison of the published prior art with the features of claims 1a + 17, or 18a+25, or 18b+25, the following special technical features (PCT Rule 13.2) can be deemed as making a contribution over the prior art:

"the side walls of the cavity are processed with ultrasound..

The following objective problem can be derived therefrom:

"Cost effective processing of the side walls".

The above analysis shows that it is not clear from amongst the special technical features of the inventions what the technical relationship is that involves one or more of the same or corresponding technical features. The requirements of PCT Rules 13.1 and 13.2 are therefore not met and there is consequently a lack of unity of invention.

Furthermore, the 5 groups of claims are not linked by a single special technical features and therefore define 5 different inventions.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No

PCT/EP2004/004054

Supplemental Box